

REMARKS

Applicants have amended Claim 1. Support for the amendment is found on page 7, paragraph 0023 through page 8, paragraph 0025.

Claim Rejections – 35 USC § 112

The Examiner has rejected Claims 1-7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that reference to “the granulated foam control agent in claim 1 lacks antecedent basis. It is unclear what is intended by this.

Applicants have amended Claim 1 such that it refers the foam control composition. Applicants believe the amendment overcomes the rejection of the Examiner. Applicants respectfully request the Examiner to withdraw the rejection.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over Christiano et al. (U.S. Patent No. 6,656,975) in view of EP206522.

The Examiner states that one having ordinary skill in the art, concerned with the rate at which the silicone antifoaming agent is released, would have been motivated to apply the silicone antifoaming composition onto a particulate carrier and coating it with a coating that aids in controlling the distribution of the antifoaming agent per the teaching of ‘522. The Examiner thus argues that the skilled artisan would have been motivated to apply the antifoaming composition of, for instance, Example 24 in Christiano et al. to the surface of a carrier, as found on column 3 in ‘522, and apply a coating thereto to render the antifoaming components stable in the dry state. In this manner, the Examiner argues, the skilled artisan would have found the claimed composition to have been obvious.

Nowhere in Christiano et al. is component (v), the particulate carrier, nor component (vi), the water-soluble or water-dispersible binder as currently recited Claim 1 and claims depending

Application No.: 10/581436

Date of Reply.:8/9/2010

therefrom disclosed or taught. There is no evidence or suggestion in Christiano et al. of foam control composition comprising a particulate carrier selected from zeolites, phosphates, sodium sulphate, sodium carbonate, sodium perborate, sodium carboxymethylcellulose, granulated starch, clay, sodium citrate, sodium acetate, sodium bicarbonate, sodium sesquicarbonate, or native starch (component v) as currently recited Claim 1. Furthermore there is no evidence or suggestion in Christiano et al. of a composition containing a water-soluble or water-dispersible binder. Therefore Christiano et al. lacks the teaching of two components of the presently claimed foam control composition. Furthermore, nowhere in Christiano et al. is there any motivation or suggestion for converting their compositions from a liquid state to a dry state. Christiano et al. supplies no motivation or suggestion to one of ordinary skill in the art who is looking to deposit foam control compositions onto particulate carriers in combination with water soluble or water dispersible binders. It is clear from the disclosure of Christiano et al. that this is not what the patentees intended and was clearly not goal of their invention.

In addition, nowhere in EP'522 is disclosed several of the components in the presently claimed foam control composition, EP'522 fails to disclose the branched siloxane resin component (ii) of the presently claimed foam control composition, and fails to disclose the water soluble or water dispersible binder, component (vi) of the presently claimed foam control composition. Thus even if Christiano et al. and EP'522 are combined the presently claimed invention as recited in Claim 1 is not arrived at.

Therefore applicants conclude that an artisan having common sense at the time of the invention would not have reasonably considered a foam control composition comprising (i) a non-silicon-containing organic liquid selected from the group consisting of hydrocarbon oils and vegetable oils, (ii) a branched siloxane resin, (iii) a particulate filler, (iv) an additive composition, (v) a particulate carrier, and (vi) a water-soluble or water-dispersible binder deposited on the particulate carrier as currently claimed.

Application No.: 10/581436

Date of Reply.:8/9/2010

Applicants hereby petition for a one (1) month extension of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,
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